18

20-11-19

1920

h.c.k.

C. F 38

Department of Lieut Governor

OFFICE

STATION

Mis No. 1108

A 8277

Dated 10-9-20

To whom sent		Date	Initial.
	Given for copying		
	Copied		
	Examined		
	Signed		
	Given for despatch		
	Despatched		
Pages in the file	Indexed		
	To be destroyed on		

(SUBJECT.)

Canada — Naturalization Act — Application for Certificate of Naturalization — Refused — Reasons for refusal — Right of appeal

* Not to be filled in in the case of permanent records.

C.F. 304—2,113 Bks.—17-9-27.

OFFICE OF THE _____

Dated 10/5/28 192

11 Hours 55 Minutes.

HA

TELEPHONIC MESSAGE.

From The Supdt. B Section. Rev-Dept.

To The First Asst Board. L R & Sell.

Please send urgently a copy of (X) B.P. 1108 Mis: Dy. 10.9.20 enclosed in the Collr's. letter no. Ref. on A3-1565-2-1 Dy. 12.4.28 sent with Bds' Ref. K.351-28 -1 Dy. 1.5.28

Reply furnished.

10/5/28.

10/5/28

Supdt 10.5.28. 10/5/28

To the Supdt. B. sec^n Govt R.D. with a copy of BP 1108 Mis. dy 10.9.20 (X)

Tel. clerk. Send a copy of the BP at (X) with the usual urgent

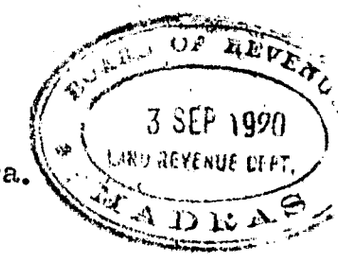
Dept. Pl. send me file intact after despatch. 10.5.28.

11-5-28

12 MAY 1928

A 3212

Ref. on C.No.517/Rev/20. South Kanara Collector's Office,
Mangalore, 30th August 1920.



From

R. H. Ellis, Esquire, I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue, Madras.

Sir,

B.P. No.1214 Mis., dated 7th September 1917. (R)

Escheat - Property left by Annaya Shadanga - Pilathbettu village - Mangalore Taluk.

(R) On receipt of the above Board's Proceedings communicating G.O. No.2441, dated 9th August 1917, a notice was ----- issued in the gazette inviting claimants to the property; but none has come forward.

2. A detailed enquiry has, however, been held to ascertain whether the deceased has left any heirs. Nine persons - of between 55 and 80 years of age have been examined and their statements recorded. The enquiry goes to show that besides - Gowramma, widow of Venkatramana Shadanga, her daughter ------- Saraswathi and the children of the latter, the deceased has -- not left any heirs coming within the category of Sapindas, --- Samanodakas or Bandhus.

3. It has already been held by the Advocate-General --- that Saraswathi does not come within the limits of Bandhu ---- relationship - vide his opinion printed on page 5 of the ----- Government Order above referred to. If Saraswathi is not an heir, much less are her children. Then as regards Gowramma, (R) 2937

it has to be observed that the property did not vest in her - husband at the time of his death, as he had predeceased ----- Mahalaxmi, the widow of Annaya Shadanga. It is beyond dispute that a widow can only succeed to the property of her husband which had actually vested in him before his death. It is, - therefore, clear that Gowramma is not an heir.

4. There is one more claimant viz. Srinivasa Naika. His claim is based on purchase right and not on any relationship to the deceased. The claimant is the son of Manjunatha Naika referred to in Mr. Vibert's letter dated 18th December 1916 - printed in G.O. No. 2441, dated 9th August 1917 already alluded to as having advanced Rs. 1,000/- to Mahalaxmi on the mortgage of a portion of the estate and subsequently obtained it on -- mulgeni from her. After Manjunatha Naika's death, his son has sold his right in the mulgeni property to one Shivamma and her son Padmaraja who has mortgaged it to the claimant for a sum of Rs. 1,400/- which he now claims.

2.4 4(R)

5. The amount of Rs. 1,000/- obtained by Mahalaxmi from Manjunatha Naika is said to have been for the purpose of ---- defraying the expenses of repairing a temple. This act, --- Vakil Mr. Gollerkery Krishna Rao says, does not legally bind the estate - vide his opinion embodied on page 2 of the ----- Government Order mentioned above.

b 25 (R)

6. The Government Pleader, Mangalore states that the - evidence on record is sufficient to establish prima facie that the last male owner, Annaya Shadanga has left no heirs near - or remote who can lay any claims to his estate and that a suit may well be brought now to assert the rights of Government and to recover possession of the property with mesne profits.

7. The persons in possession of the properties were -- asked to surrender them to Government peacefully, but they -- have not done so. As a suit has, therefore, to be filed ---

against them, I request that the enclosed plaint prepared by - the Government Pleader, Mangalore may be approved.

8. The defendants Nos. 1 to 5 are reported to have no -- property sufficient for the recovery even of court costs in -- case Government succeeds. According to Schedule B (enclosed) Rs. 15,254 and Rs. 3,004 are due from defendants 1 and 5 respectively on account of mesne profits. There is no use in ----- claiming this amount. as it is not possible to recover it from them. We shall only incur an additional court cost of more - than Rs. 1,600/-. I do not, therefore, propose to claim it. If the Board be pleased to agree, items I and III in Schedule B - may be eliminated and consequent changes made in the draft --- plaint.

1-9-20

For Collector.

M. S. R. /30-8.

A 3272/20

Suits (S. Kanara) Mangalore Sub Court - Pilathabettu and Irvathur, Villages Deceased Annaya Shadangu - Escheated property - Plaint Approved

Re. Misc. 1108 10.9.20

The Board Sanctions the institution of the Suit And Approves the draft plaint

2. The proposal of the Collr contained in para 8 of his letter is also approved. Necessary Corrections shall be made in the plaint.

To The Collector

In the Court of the Subordinate Judge of South Kanara.

O.S. No. of 1920.

Between

The Secretary of State for India in Council - Plaintiff

and

1. Subbu alias Gouramma
2. Vittal Shastry
3. Shivamma
4. Padmaraja
5. Srinivasa Hebbara
6. Srinivasa Naika

Defendants.

Plaint under Rules 1 to 6, Order VII of C.P.C.

The abovenamed Plaintiff states as follows:-

The Secretary of State for India in Council, - the Plaintiff is represented by the Collector of South - Kanara. His address for service of all notices and --- process is as stated above.

2. 1st Defendant Subbu alias Gouramma is widow -- of Venkatramana Shadanga, residing in Pilathabettu ----- village, Mangalore Taluk. 2nd Defendant Vittal Shastry is son of Naraina Shastry residing in Pilathabettu ----- village abovesaid. 3rd Defendant Shivamma is daughter of Kinyappa, 4th Defendant Padmaraja is nephew of ------ Thimmaya Naika and son of the 3rd Defendant and both --- these Defendants reside at Irvattur Guttu in Irvattur -- Kasba village, Mangalore Taluk. 5th Defendant Srinivasa Hebbara is son of Janardhana Hebbara residing in ------- Irvattur village abovesaid. 6th Defendant Srinivasa -- Naika is son of Manjunatha Naika residing at Chandthimar in Buntwal village, Mangalore Taluk.

3. (1) That one Annaya Shadanga who was governed by the Mithakshara Law of Succession, died about the --- year 1883 leaving behind him no other heirs except his -

widow Mahalaxmi and a divided distant member of the ----- family by name Venkatramana Shadanga.

(2) The deceased Annaya Shadanga at the time of his death was possessed of immoveable properties in Pilathabettu and Irvattur villages more specifically described - in Schedule A hereto. P12cf

(3) That shortly after Annaya Shadanga's death, the widow Mahalaxmi on 8th June 1883 alleging that she had -- been authorised by her husband to adopt a boy named Rama, executed a will reciting therein that the said boy had -- been taken by her in adoption and bequeathing certain --- properties in his favour.

(4) On 11th December 1884 the aforesaid Venkatramana Shadanga having gained over the widow to his side, got -- her to execute a Moktiari in his name for the management of the deceased's whole estate. The said Moktiari ----- revoked the Will aforesaid, characterising the adoption - of Rama as a bogus affair, and reciting therein that the will had been executed by her under the evil influence of the boy's father one Ananthaya Vailaya. This document further recites that Venkatramana Shadanga was undivided from the deceased Annaya Shadanga, a statement which is - untrue and is denied and the falsity of which is further apparent from a reference to the said document itself.

(5) It is further alleged in this Moktiari that --- the deceased Annaya Shadanga had gifted a portion of the property appertaining to Muli Nos.7 & 9 of Irvattur ----- village assessed at Rs.18-6-5, to Naraina Shastry ------- brother of Mahalaxmi aforesaid, but that as possession of the property gifted had not been given over to the donee, Venkatramana Shadanga should execute a formal deed of --- gift in favour of Naraina Sastri's heirs.

(6) There is also a recital in this document that - 3-mudis seed area out of the Pilathabettu property ------ (item No.2 in Schedule A) are given on Kayamgeni to the -

aforesaid Narayana Sastry and that the said geni should - be collected from him.

(7) On 16th August 1887, the said Mahalaxmi and -- Venkatramana Shadanga entered into a Partition Deed ----- whereby property in Pilathabettu village assessed at ---- Rs.120-12-6 (item No.1 in Schedule A) was allotted to the share of Venkatramana Shadanga, whilst the widow retained for her share, property assessed at Rs.30-0-0 (item ----- Nos.2 & 2(a) of Schedule A). According to the terms of the said deed both the sharers could dispose of and ----- alienate their respective shares as they liked.

(8) Mahalaxmi as the widow of the deceased had --- only a life interest in the estate, and she had no ------ power to partition the same or alienate any portion of it except for necessary purposes. Neither has she any ---- right in law to convert her life interest or her right of maintenance in the whole of her husband's property into - an absolute interest in a part of the same. The said -- Partition Deed is clearly invalid and inoperative.

(9) On the very day of the aforesaid Partition --- Deed, a Gift Deed was executed by both the widow Mahalaxmi and Venkatramana Shadanga in favour of Venkamma and her - son Vittal Shastry (2nd Defendant) in respect of property item No.3 in Schedule A. This Gift deed is again a ---- fraudulent and collusive document got up by them both. -- to benefit Mahalaxmi's brother and his heirs. The said deed of gift purports to confirm a prior gift alleged to have been made by the deceased Annaya Shadanga in favour of Naraina Shastry, which gift is not true and is denied. Even if Annaya Shadanga intended to make any such gift, - as no possession of the property gifted was admittedly -- given to Naraina Shastry or his heirs during the lifetime of Annaya Shadanga, the said gift is inoperative, and the Gift Deed dated 16th August 1887 subsequently executed by the widow and Venkatramana Shadanga necessarily fails and

is void in law.

(10) That subsequent to the Partition Deed, the widow on 24th August 1887 mortgaged the whole of her share to one Manjunatha Naika for Rs.1000, and on the same date granted the property to him on mulgeni. Manjunatha Naika having died, his son and heir Srinivasa Naika 6th Defendant on 20th February 1916 transferred his mulgeni right with improvements to Defendants 3 & 4, and on the same date obtained a Simple Mortgage for Rs.1400 in his favour from the said Defendants.

(11) Again on 25th August 1887, the widow Mahalaxmi executed a Deed of Gift pruporting to convey to the Nellitirtha Somanatha Dev temple the muli right in the properties allotted to her share (item Nos.2 & 2(a) in Schedule A) and the right of redemption in respect of the Mortgage aforesaid subject to the Mulgeni in favour of Manjunatha Naika and Kayamgeni in favour of Naraina Sastri's heirs as recited above in paras 10 & 6. The Moktessors of the Somanatha Dev temple in turn, on 11th March 1909 executed a Sale Deed purporting to convey all their right, title and interest in the property gifted to them, in favour of 2nd Defendant Vittal Shastry.

12) In respect of the alleged gift of the property item No.3 in Schedule A under the aforesaid Gift Deed dated 16th August 1887 in favour of Venkamma and Vittal Shastry (2nd Defendant), referred to in para 9 supra. the latter on 26th September 1901 executed a Sale Deed in favour of Janardnana Hebbara deceased father of 5th Defendant Srinivasa Hebbara who is at present in possession of the property concerned.

(13) The above documents are all collusive and fraudulent transactions and the widow had no right to alienate the property to the detriment of the reversioners. The documents were further not executed for any

legal necessity or justifiable purposes recognised by --- law. All the aforesaid alienations in favour of the --- Defendants are invalid and not binding against the ------ Estate which had now lapsed to the Crown.

(14) The aforesaid Venkatramana Shadanga died in -- 1895, long before the death of the widow Mahalaxmi which took place on 20th June 1911. Under Hindu Law he ------ could come in as a reversioner only if he had survived -- the widow who had a life estate, unless the widow had --- made a surrender of the whole estate in his favour and -- not of a portion thereof by means of any Partition Deed. Venkatramana Shadanga having predeceased the widow and -- having left no male issue neither his daughter Saraswathi nor her children can lay any claim to Annaya Shadanga's - estate as they are not within the limits of Bandhu ------ relationship to the deceased and as such have no heritable right to the deceased's estate. There being no legal -- heirs at present who can succeed to the deceased Annaya - Shadanga's estate, the same has now lapsed to the Crown - as an escheat.

36 M L J 493 foll up.

(15) Of the properties in Schedule A, item No.1 --- appears now to be in the possession of the 1st Defendant who is the widow of Venkatramana Shadanga abovesaid. Properties items Nos.2 & 2(a) which were assigned to the widow's share under the Partition Deed of 1887 are now in the possession of 2nd Defendant Vittal Shastry and ------ Defendants 3 & 4 respectively. Item No.3 is now in the possession of 5th Defendant on the strength of the ------ Sale deed in favour of his father Janardhana Hebbara referred to in para (12). All these Defendants are now in wrongful possession of the property having no manner - of right thereto. The said Defendants were called upon to surrender possession thereof to Government with Mesne profits but they have failed to do so.

(16) 6th Defendant has been added as a party to the

suit as he claims aright under two alleged Mortgage Deeds dated 24th August 1887 and 20th February 1916 referred to in para (10) over items Nos.2 & 2(a) which however are in no way binding on Plaintiff, and also he is accountable -- for the Mesne profits in respect of items No.2 & 2(a) from the date of the death of the widow up to the date of ----- transfer in favour of Defendants 3 & 4.

4. The cause of action to this suit arose on the -- death of Mahalaxmi the widow of the deceased Annaya ------ Shadanga on 20th June 1911 at Pilathabettu and Irvattur -- villages, Mangalore Taluk within the jurisdiction of this Court.

5. Plaintiff estimates the value of the reliefs --- claimed at Rs.32,106-15-11 for Court fees and at Rs.32,106-15-11 for the prupose of jurisdiction.

6. Plaintiff therefore prays for decree and judgment against Defendants for the following reliefs:-

	For Court fees.	For jurisdiction.
(1) For possession of the -- plaint property from De- fendants Nos.1 to 5 as per - details in Schedule A hereto, declaring the several ------ alienations and documents -- referred to above to be null and void and not binding on Plaintiff. This relief is valued at five times the assessment which - with the value of buildings as per schedule A comes to	2014-11- 0	2014-11- 0
(2) For a declaration that - the two Mortgage Deeds dated 24-8-1887 & 20-2-1916 in --- favour of 6th Defendant is - void and not binding on ---- Plaintiff. This relief is valued at --- Rs.2400, the amount of the - Mortgage deed for jurisdic- tion and a Court fee of ---- Rs.100 is paid on it.		2400- 0- 0
(3) For Mesne profits from - Defendants from 20-6-1911 -- up to date in respect of --- plaint property as per ----- details in the subjoined --- Schedule B or against such - of the Defendants and in --- such proportion as the Court should think fit to adjudge.		27692- 4-11

(4) For future mesne profits from this date till delivery which is estimated approximately at 1675-12-3 from 1st Defendant, at 1017-13-1 from 2nd to 4th Defendants and at 321-15-10 from the 5th Defendant.

(5) For costs of this suit against all the Defendants or against such of them and in such proportion as the Court should think fit to adjudge.

(6) for such other relief or reliefs as the Court -- deems proper to grant under the circumstances of the - case.

Total Rs. 32,106-15-11

For Collector.

1-9-20

1-9-20.

Schedule

Description of

Immovable properties Situated in Pilathabettu village a

Item Serial Number	Name of village	Hissa Number	Survey Number and Sub division	Description of Land	Extent a	Extent c	Assessment		Par
1	2	3	4	5	6	7		8	
1	Pilathabettu village.	14	68/1, 2, 3, 5, 10 & 11 70/1, 2, 5, 6 & 7 72/2, 4, 5, 7, 9, 10, 12, 14, 16, 17, 18, 19 & 21	Nanja.	30	72	167	2	S.No 68/16 A " 68/17 A " 68/8 A " 68/6 " 72/20 " 72/6 " 72/3 " 72/9 " 72/1 " 70/8
			68/6, 9, 13, 14, 16, 17, 19 & 20 70/4, 8 & 9 & 72/1, 6, 11, 13 & 20	Bagayat	4	61	14	11	
			68/8, 70/3 & 72/3, 8 & 15	Dry.	3	81	3	9	
					39	14	186	6	
2	—do—	15	71/10, 4B, 13A	Nanja.	2	65	13	8	
&			71/12, 15 & 18	garden	0	18		12	71/15 A
			71/14	Dry.		7		1	
					2	90	14	5	
2(a)	——	do	71/1, 3, 4A, 5 & 13B	Nanja.	9	89	52	10	
			71/2, 8 & 11	garden		52	1	12	71/2 A
			71/6 & 7	Dry.		45		5	
					10	86	54	11	
3d	Invalkur village	6	32/2 & 34/1	Nanja.	2	39	14	4	
			34/3	Bagayat		30		10	
			30/1 & 2, 32/1 & 34/2	Dry	3	53	2	11	S.No 30/1
					6	24	17	9	
			Grand Total.		59	14	271	15	

Five Ten

S. Kanara Collectorate
Mangalore. 30. 8

property

& Irattur villages, Mangalore Taluk, Bantwal Registration Sub District

Particulars of buildings	Value of buildings			
9	10			
House occupied by Subbu alias Gouramma	Rs 300/-			
Tenant Thimmappa Shetty's house.	30/-			
Tenant's house.	30/-			
Pariah hut	5/-			
Tenants' house	30/-			
	30/-			Property in the possession of 1st defendant.
	30/-			
	30/-			
	30/-			
	30/-	545	-	-
House occupied by Pillai Shastry	50/-			Property in the possession of 2nd defendant.
		50	-	-
Tenants house.	30/-			Property in the possession of defendants 3 & 4.
		30	-	-
Tenants' house	30/-			Property in the possession of 5th defendant.
		30	-	-
		655		
Fixes the assessment of Rs 27/- 15-		1359	11	
Total valuation for court fee		2014	11	-

Office.
1920

1.9.20.

main
1.9.20

For Collector 1-9

Schedule

Statement showing the particulars of the mesne profits

Year Ending 31st March.	Rent		Price of Rice per Moora.	Value of rice at the ratio in col. 4	Total of Col. 3 & 5	Assessment with cess	Net mesne profits after deducting assessment.	In the ... appeal ... decree ...
	Rice	Cash						
1	2	3	4	5	6	7	8	
1912 (From 20.6.11)	H. S. 164 - 4 11/20	Mo as Ko 25 1 1	5 3 .	851 5 .	876 6 1	161 1 6	715 4 7	
1913	209 - 21	32 . .	5 9 .	1165 5 6	1197 5 6	205 10 5	991 11 1	
1914	209 - 21	32 . .	4 15 .	1034 6 6	1066 6 6	205 10 5	860 12 1	
1915	209 - 21	32 . .	4 15 .	1034 6 6	1066 6 6	205 10 5	860 12 1	
1916	209 - 21	32 . .	6 2 .	1283 3 .	1315 3 .	205 10 5	1109 8 7	
1917	209 - 21	32 . .	5 15 .	1243 14 6	1275 14 6	205 10 5	1070 4 1	
1918	209 - 21	32 . .	6 7 .	1348 10 6	1380 10 6	205 10 5	1175 0 1	
1919	209 - 21	32 . .	7 14 .	1649 13 .	1681 13 .	205 10 5	1476 2 7	
1920	209 - 21	32 . .	8 6 .	1757 9 .	1786 9 .	205 10 5	1580 14 7	
From 1.4.20 upto 30.9.20	104 - 31 1/2	16 . .	8 6 .	877 4 6	893 4 6	102 13 3	790 7 3	
Total	1944 - 36 1/20	297 1 1		12249 14 .	12539 15 1	1909 2 1	10630 13 .	
1912 (From 20.6.11)	95 - 23 4/5	11 12 .	5 3 .	495 12 .	507 8 .	59 15 5	447 8 7	
1913	122 - .	15 . .	5 9 .	678 10 .	693 10 .	76 8 9	617 1 3	
1914	122 - .	15 . .	4 15 .	602 6 .	617 6 .	76 8 9	540 13 3	
1915	122 - .	15 . .	4 15 .	602 6 .	617 6 .	76 8 9	540 13 3	
1916	122 - .	15 . .	6 2 .	747 4 .	762 4 .	76 8 9	685 11 3	
1917	122 - .	15 . .	5 15 .	724 6 .	739 6 .	76 8 9	662 13 3	
1918	122 - .	15 . .	6 7 .	785 6 .	800 6 .	76 8 9	723 13 3	
1919	122 - .	15 . .	7 14 .	960 12 .	975 12 .	76 8 9	899 3 3	
1920	122 - .	15 . .	8 6 .	1021 12 .	1036 12 .	76 8 9	960 3 3	
From 1.4.20 to 30.9.1920	61 - .	7 8 .	8 6 .	510 14 .	518 6 .	38 4 5	480 1 7	
Total.	1132 - 23 4/5	139 4 .		7129 8 .	7268 12 .	710 9 10	6558 2 2	
1912 (From 20.6.11)	29 - 32 1/5	3 14 8	5 3 .	154 6 8	158 5 4	15 4 2	143 1 2	
1913	38 - .	5 . .	5 9 .	211 6 .	216 6 .	19 7 9	196 14 3	
1914	38 - .	5 . .	4 15 .	187 10 .	192 10 .	19 7 9	173 2 3	
1915	38 - .	5 . .	4 15 .	187 10 .	192 10 .	19 7 9	173 2 3	
1916	38 - .	5 . .	6 2 .	232 12 .	237 12 .	19 7 9	218 4 3	
1917	38 - .	5 . .	5 15 .	225 10 .	230 10 .	19 7 9	211 2 3	
1918	38 - .	5 . .	6 7 .	244 10 .	249 10 .	19 7 9	230 2 3	
1919	38 - .	5 . .	7 14 .	299 4 .	304 4 .	19 7 9	284 12 3	
1920	38 - .	5 . .	8 6 .	318 4 .	323 4 .	19 7 9	303 12 3	
From 1.4.20 to 30.9.20	19 - .	2 8 .	8 6 .	159 2 .	161 10 .	9 11 11	151 14 1	
Total	352 - 32 1/5	46 6 8		2220 10 8	2267 1 4	180 14 11	2086 3 3	

Grand

S. Kandaswamy Pillai Office

Kanpalere 30.8.1922

...end interest claimed in plaint from the defendants.

...test on from al- p.c the of suit 20	Total of cols. 8-9	Remarks
10	11	
9 6	1444 14 1	
8 5	1884 3 6	
6 3	1532 2 4	
1 7	1428 15 8	
2 5	1708 11 ·	Mesne profits due in respect of property ~~by~~ patta
8 1	1519 12 2	No 14 of Pilathabettu village item No 1 in Schedule
8 ·	1527 8 1	A and claimed from 1st defendant
11 4	1741 13 11	
13 8	1675 12 3	
· ·	790 7 3	
5 3	15254 2 3	
7 10	904 · 5	
5 11	1172 7 2	
13 6	962 10 9	
15 2	897 12 5	
4 6	1055 15 9	Mesne profits due in respect of property patta
6 3	941 3 6	No 15 of Pilathabettu village, item Nos 2 & 2(a)
2 5	940 15 8	of Schedule A and claimed ~~by~~ from defts
13 8	1061 0 11	2, 3, 4 & 6
9 10	1017 13 1	
· ·	480 1 7	
5 15 1	9434 1 3	
14 11	289 0 1	
3 3	374 1 6	
0 10	308 3 1	
4 4	287 6 7	
3 7	336 7 10	Mesne profits due in respect of property
10 10	299 13 1	patta No 6 of Irvathur village, item No 3
0 8	299 2 11	of schedule A and claimed from 5th defts
4 2	336 · 5	
3 7	321 15 10	
· · ·	151 14 1	
7 14 2	3004 1 5	
Rs	27692 4 11	

D. H. Mamb
1-9-20
For Collector